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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,569	12/29/1999	ROLAND LAMER	70191/239	2393

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/12/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/474,569

Applicant(s)

ROLAND LAMER

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed 05/03/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 16-23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's Amendment filed 05/03/04 has been entered and carefully considered. Claims 1, 11-12, 14, 17-18, 23, 25-27, 30-32 and 35 have been amended. However, limitations of amended claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1-14, 16-23 and 25-35 are rejected under the new ground of rejection as set forth below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 9, 10, 14, 20, 21, 23, 29, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans [US. 5,924,074] in view Barber et al. [US. 5,751,286].

As to claim 1, 14, 23 and 32, Evans discloses a first application to display patient images for patient on the display unit (figure 8, (185)); a second application in data communication with the first application (figure 8, (180), both applications are expected to communicate together in order to transfer the data between the first and second applications); a workstation coupled to

the display unit and configure to operate both the first application and the second application that reside on the workstation (figure 8, column 7, lines 5-64) and Evans also shows the second application is configured to receive the patient context data (not shown). It is expected that the second application to receive the patient context data from the first application in order to communicate between two applications. The difference between Evans and the claims are the second application display patient data on the display unit based on the patient context data from the patient images of the first application. Barber et al. teaches the generating textual data based on an image at column 2, lines 45-52, column 3, lines 23-26 and column 5, lines 5-10). Applicant's attention is directed to the lines "One such window is an image query window, which is used for construction of queries based on image content". It would have been obvious to one of ordinary skill in the art, having the teachings of Evans and Barber et al. before them at the time the invention was made to modify the data communication between the first application and second application as taught by Evans to include the generating textual data based on an image of Barber et al., in order to make the communication between workstations facilitate by a wireless communication as taught by Barber et al.

As to claims 5, 20 and 29, Evans also teaches the second application is selected from the group consisting of a case signout application, a report

entry application, an order detailing application, and an order viewer application (column 10, line 59 through column 11, line 9).

As to claims 9, 10, 21 and 30, Evans demonstrates the first application generating the patient context in response to user input at the input unit and the input unit is selected from the group consisting of a mouse, a voice recognition system, a keystroke, a switch, and a light pen (column 6, line 55 through column 7, line 5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 18-19, 27-28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans [US. 5,924,074] in view Barber et al. [US. 5,751,286] and further in view Rock et al. [US. 6,032,120].

As to claims 2 and 33, the difference between the modified Evans and the claim is retrieving patient image data from a picture archival and communication system (PACS). Rock et al. discloses the first application is configured to retrieve patient image data from a picture archival and communication system (PACS) (Wong, figure 1, (26), column 7, lines 28-37).

It would have been obvious to one of ordinary skill in the art, having the teachings of Evans, Barber and Rock et al. at the time the invention was made to modify the patient data information system taught by the modified Evans to include medical imaging devices of Rock et al., in order to distribute medical images from one or more existing storage systems to a plurality of network attached client workstations as taught by Rock et al.

As to claims 18 and 27, while Evans and Barber teaches the first and second application displaying patient images, Rock et al. shows the step of providing includes generating an event based on the patient context and providing the event to the second application (column 1, lines 47-67).

As to claims 19 and 28, while Evans and Barber teaches the first and second application displaying patient images, Rock et al. also shows converting the event from a first object model to a second object model and providing the converted event to the second application (column 4, lines 25-41).

Claims 3, 6-8, 11-13, 15-17, 22, 24-26, 31, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view Barber et al. [US. 5,751,286], in view of Rock et al. [US. 6,032,120] and further in view of Wong et al. [US. 6,260,021 B1].

As to claim 6, Evans, Barber and Rock et al. do not show a second workstation coupled to the workstation, the second workstation configured to operate the second application. Wong shows the limitation at column 3, lines

Art Unit: 2174

42-60. It would have been obvious to one of ordinary skill in the art, having the teachings of Evans, Barber and Rock et al. before them at the time the invention was made to modify the patient data information system taught by Evans, Barber and Rock et al. to include the multiple workstations of Wong et al., in order to enable more than one user to access the system as taught by Wong et al.

As to claims 3, 16, 25 and 34, while Evans, Barber and Rock shows the second application being configured to retrieve patient textual data, Wong teaches a radiology, information system (RIS), (figure 1, (18), column 8, lines 10-30).

As to claims 7, 8 and 35, Evans in view of Barber, Rock and Wong shows the second application is coupled to the first application via an object request broker and further comprising a bridge coupled between the second application and the object request broker, wherein the second application communicates via the component object model (COM) (column 6, lines 35-55 and column 7, lines 38-57)

As to claims 11, 17 and 26, Evans, Barber and Rock et al. do not show the patient context includes patient identification data, Wong shows the limitation at column 11, lines 58-65. It would have been obvious to one of ordinary skill in the art, having the teachings of Evans, Barber and Rock et al. before them at the time the invention was made to modify the patient data information system taught by Evans, Barber and Rock et al. to include patient context of

Wong et al., for the purpose to enhance the management system as taught by Wong et al.

As to claim 12, Wong et al. discloses the patient context includes user identification data (column 13, lines 10-16).

As to claims 13, 22 and 31, Wong et al. also discloses the patient data includes patient examination information (column 10, lines 47-65).

As to claims 15 and 24, Wong et al. teaches retrieving the first set of patient data from an image database (column 12, line 65 through column 13, line 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans [US. 5,924,074] in view of Barber.

As to claim 4, although Evans and Barber disclose a display unit, it does not explicitly mention the display unit including a monitor having at least a resolution of at least 90 dpi. It is notoriously well known in the state of the art that every monitor has at least 90 dpi. The examiner takes OFFICIAL NOTICE of this teaching. It would have been obvious to one of ordinary skill in the art, having the teachings of Evans before him, to modify "the display



unit" of Evans to be "a the display unit including a monitor having at least a resolution of at least 90 dpi", as made known in the state of the art.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14, 16-23 and 25-35 have been considered but are moot in view of the new ground of rejection.

### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

Art Unit: 2174

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

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